

Minutes
Board of Zoning Appeals
February 24, 2021

The Board of Zoning Appeals of the City of Washington met on February 24, 2021, at 7:00 pm in the City Council Chambers. Chairman Don Spillman called the meeting to order with the following members present: Bill Summers, Greg Haag, Michael Allen, Dan Gress, Don Spillman and Attorney Tim Dant. Larry Mullen and David Gray were absent. After the rollcall, the Chairman stated a quorum was present.

Also attending were Building Commissioner Jon Casper and Plan Commission Secretary Maria Sergesketter.

Minutes from the Board of Zoning Appeals meetings held on January 27, 2021 and February 10, 2021, were approved. Motion to approve the Minutes was made by Greg Haag and seconded by Bill Summers. A voice vote was taken, Minutes were approved with all in favor.

All persons present who desired to speak during the hearings on cases before the Board were sworn in by Attorney Tim Dant.

The following cases were heard by the Board of Zoning Appeals:

Case SE-8-21: Purple Joe's is requesting a Special Exception. They would like to use their parking lot for business events. This property is zoned Residential multi-family R-3. The property is located at 1402 W Van Trees Street. Property size is .20 acres. Parcel number for the property is 14-10-28-403-056.000-017. Joe Addington, co-owner of Purple Joe's, was present to answer questions. He stated that they would like to use the lot for outdoor events during the summer. Things such as corn hole tournaments, fundraisers, live music events. Chairman Do Spillman stated that this lot has historically been a parking lot for 15 to 20 years. Purple Joe's would need a Special Exception to continue to use this residential lot as a business parking lot. Board Member Greg Haag asked about how late the events would run in the evening. Joe Addington stated that they would follow the 11pm Noise Ordinance. Board Member Bill Summers also informed Mr. Addington that if complaints are received that the noise ordinance is not being followed, the Special Exception could be revoked. Mr. Addington said he understood.

Mr. Addington stated that he went around to others in the neighborhood, not just the adjoining property owners, to discuss their plans and they were all ok with them. Building Commissioner Jon Casper told Mr. Addington to check with ATF on their rules about Alcohol being outside of business. They may have to add a screen etc. Mr. Addington said he would comply with their rules as well. Board Member Michael Allen asked if the Board needed to add a stipulation about the gravel in the parking lot. With much discussion on the subject Greg Haag made a motion to add the following stipulations:

1. Purple Joe's must follow the 11pm Noise Ordinance or they must be in accordance with the City of Washington's Noise Ordinance if it should change to an earlier time than 11pm. No outside events shall exceed 11pm even if the City would abolish the Noise Ordinance or if the time would ever be moved later than 11pm.
2. The Residential Lot may be used as a business parking lot and be used for business events.
3. The Board will grant them a 5-year exception on the gravel surface of the parking lot.

Dan Gress seconded. All were in favor. With no other questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-0 with Larry Mullen and David Gray absent.

In order to grant a Special Exception, Conditional-Use or a Variance the Board of Zoning Appeals must determine that one or more of the following criteria exists:

The Board approved the request based on the historic usage of the property for business purposes, however the Board added stipulations limiting outdoor events to no later than 11pm or at an earlier time if dictated by city ordinance and allows the current gravel parking lot to remain with a 5-year exemption from paving regulations.

Case SE-9-21: Washington Community Schools is requesting a Special Exception. They would like a 3-year extension to pave/hard surface the parking lot. This property is zoned Commercial local business C-1. The property is located at 210 N State Road. Property size is .36 acres. Parcel number for the property is 14-10-27-401-073.000-017. Rose Wilson, Director of Facility Operations, was present to explain the project and answer questions. She stated that the school has obtained a demo permit for Poindexter Funeral Home. They are also trying to obtain another property on the block. They would then make 1 giant parking lot. Board Member Michael Allen asked, as a tax paying

citizen, if they would consider making part of it a green space. Rose Wilson said they would work with City Planning Officials but would prefer to do something sustainable that does not require maintenance. She added that Mr. Allen is always welcome to come talk with her anytime about this project. Building Commissioner Jon Casper added that Mayor Rhoads suggested that 2 years be considered if it would fit within their plan. Chairman Don Spillman thought that with the demo of the funeral home and trying to acquire the other lot that 3-years would be an appropriate amount of time. With no other questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-0 with Larry Mullen and David Gray absent.

In order to grant a Special Exception, Conditional-Use or a Variance the Board of Zoning Appeals must determine that one or more of the following criteria exists:

The Board approved the request for a 3-year exemption from parking lot requirements due to the character of the property and the need to let the land settle after demolition of existing structures before a permanent paved surface is added to the lot.

Case SE-10-21: Penny Baumert is requesting a Special Exception. She would like to use R-2 standards on her lot that is zoned C-4 to place a modular home. This property is zoned Commercial Roadside Business C-4. The property is located at 112 E Park Road. Property size is 1.65 acres. Parcel number for the property is 14-10-25-303-030.000-017. Penny Baumert was present to explain her plans and answer any questions. She explained to the Board that she wanted her mother to live closer to her. This way she could be there for her as she gets older. Building Commissioner Jon Casper explained that the parcel would be split. This would give each parcel its own driveway. The only reason for her to come before the Board was due to the fact that the land is zoned C-4. She would not have to come before the Board for the Type I manufactured home her mother is purchasing. Board Chairman Don Spillman asked if the parcel had been split yet. Ms. Baumert stated no. She also asked who she would need to contact to accomplish this. Building Commissioner Jon Casper said to contact a surveyor to split the lot. Board Member Michael Allen had concerns about the application. He was questioning the address and parcel number. Building Commissioner Secretary Maria Sergesketter said that it was discussed in the office prior to the application being filled out. She said that we have to use the information we are given; we cannot add an address to something that does not exist yet and the Daviess County Mapping Department will not give out new parcel numbers until a split has been recorded. Michael Allen wanted to

make sure that the Special Exception would be placed on the correct parcel. Board Member Dan Gress made a motion that:

1. The parcel must be legally separated (new parcel created) and recorded before any building permit would be issued for the future tract allowing only 1 manufactured home.

Greg Haag seconded. All were in favor. With no other questions, Chairman Donald Spillman put the case before the board. Acting Secretary Maria Sergesketter took a roll call vote. Motion passed 5-0 with Larry Mullen and David Gray absent.

In order to grant a Special Exception, Conditional-Use or a Variance the Board of Zoning Appeals must determine that one or more of the following criteria exists:

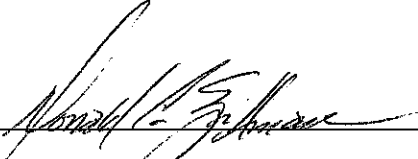
The Board approved the request based on the historic use of the property as a residential area, and also required the legal partition of the property and that partition be recorded with the deed in the County Recorder's Office before any permits are issued.

Case C-4-20: Tom Parr is being recalled to the BZA for requesting a Conditional Use to operate a holding facility for cars. The property is located at 765 NW 21st Street. Property size is 6.12 acres. Parcel number for the property is 14-10-28-203-004.000-016. No one was present to represent this case. The Board recalled the deferred request of Tom Parr to approve an auto salvage yard on NW 21st Street outside the City limits but inside the 2-mile authority of the City. The Board discussed Mr. Parr's compliance with the Board's request to seek licensure from the State and noted that Mr. Parr had complied with the States regulations. However, the Board noted that Mr. Parr has been incarcerated for at least 5 months and his release was unlikely for some time. In the meantime, the salvage business has basically ceased. After consideration and discussion of the effect of scrap vehicles being stored on the property the Board denied Mr. Parr's request for a Conditional-Use with a vote of 0-5 with Larry Mullen and David Gray absent. Greg Haag made a motion to establish an October 1, 2021 deadline for the property owners to remove all scrapped vehicles from the property. Bill Summers seconded. All were in Favor. The Board's Attorney Tim Dant was requested to send notification of the discussion and time frame for the removal of the vehicles to the property owners.

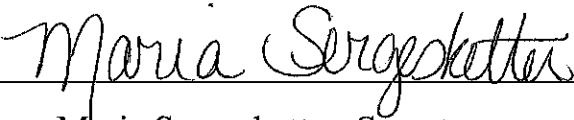
Chairman Don Spillman suggested that the Board discuss suggested criteria for Special Exceptions and Conditional-Uses. Since they use special criteria for variances, this

would help in making decisions in the other types of cases. In other business, Building Commissioner Jon Casper informed the Board that currently we have several cases for March's regular meeting

With no other business, the meeting was adjourned at 8:30 p.m.



Donald C. Spillman, Chairman or Acting Chairman



Maria Sergesketter, Secretary